IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Irish et al.	) Group Art Unit: 3664
Serial No. 10/774,301	) Examiner: Ronnie M. Mancho
Filed: February 6, 2004	)
For: System And Method For Executing User-Definable Events Triggered Through Geolocational Data Describing Zones Of Influence	)

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF ON BEHALF OF IRISH ET AL.:

Appellant appeals from the Final Office action mailed on October 29, 2008, in which currently pending Claims 1-5 stand finally rejected. Appellant filed a Notice of Appeal on March 2, 2009 and an Appeal Brief on November 20, 2009. An Examiner's Answer was mailed on March 17, 2010. This Reply Brief is submitted in response to the Examiner's Answer, pursuant to 37 C.F.R. § 41.41(a)(1).

TABLE OF CONTENTS

1. STATUS OF CLAIMS

Rejected Claims 1-5 are pending and are the subject of this Reply Brief. Claims 6-26 were previously withdrawn on April 6, 2006. The claims involved in this appeal are included in the Claims Appendix, Section 5.

2. RELATED APPEALS AND INTERFERENCES

A Notice of Appeal for the current application was filed on March 2, 2009. Related cases U.S. Patent Application, Serial No. 11/933,171 and U.S. Patent Application, Serial No. 11/933,210 are also under appeal.

3. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

A. Issue I

Whether Claims 1-5 properly stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,320,495 to Sprogis.

4. CLARIFYING ARGUMENTS

This Reply Brief clarifies our remarks in rebuttal to the Examiner's Answer.

A. Issue I

Sprogis fails to anticipate Claims 1-5 under 35 U.S.C. § 102(e) and the rejection of the claims cannot stand.

1. Legal Basis

A claim is anticipated under 35 U.S.C. § 102(e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 1231.

2. Claims 1-5

Claim 1 recites a storage medium configured to hold data in a cartridge script loadable into a wireless computing device.

Sprogis fails to teach or suggest such limitations. In the Examiner's Answer, Column 4, lines 14-24 of Sprogis is provided as support for the teaching of a cartridge script, per Claim 1 (Examiner's Answer, p. 3, last paragraph). However, the cited section of Sprogis provides a treasure hunt territory map that is input into a central gamemaster computer (Sprogis, Col. 3, lines 32-34 and Col. 4, lines 14-17). The treasure hunt territory map is divided into a plurality of smaller segments, which are each assigned a number (Sprogis, Col. 4, lines 17-19). Clues are provided to users by the gamemaster computer based on a segment in which a player is located, segments in which other players are located, a number of clues the players have correctly answered, and a number of points along the treasure hunt route each player has passed (Sprogis, Col. 4, lines 20-24). Therefore, the treasure hunt territory map of Sprogis is maintained by and stored on a central gamemaster computer, rather than being stored in a cartridge script that is loadable into a individual's wireless computing device. Also, no support can be located in Sprogis for loading a script into a wireless computing device.

Claim 1 further recites zone of influence data configured to define one or

more zones of influence into the cartridge script by describing a plurality of points of static geolocational data.

In contrast, Sprogis teaches storing a treasure hunt territory map on a central gamemaster computer (Sprogis, Col. 3, lines 32-34 and Col. 4, lines 14-17). Thus, in Sprogis, a map is stored on a central computer accessible by all the players, rather than storing zones of influence into a cartridge script, which is separately loadable on a wireless computing device by each player.

Claim 1 further recites user event data configured to define one or more user navigational events into the cartridge script and to associate each user navigational event with at least one zone of influence.

Sprogis fails to teach or suggest such limitations. The Examiner's Answer cites Column 3, lines 19-26 of Sprogis as support for the teaching of defining user navigational events into a cartridge script and associating each user navigational event with a zone of influence, per Claim 1 (Examiner's Answer, page 4, second paragraph). The cited section of Sprogis provides requiring game participants to pay a fee to participate or gaining commercial sponsors to support the game (Sprogis, Col. 3, lines 19-23). Additionally, the cited section provides playing the game on a small private scale or a larger commercial scale (Sprogis, Col. 3, lines 23-26). The Examiner's Answer also cites Col. 3, lines 63-65 of Sprogis, which provides giving the same or different clues to players based on their locations (Sprogis, Col. 3, lines 63-65). Thus, since the current locations of the player and other players are considered, the clue is determined dynamically by the central gamemaster computer based on those locations. Therefore, Sprogis teaches dynamically providing clues to a player based on their position, rather than defining one or more user navigational events into a cartridge script that is loadable by a wireless computing device. Further, support cannot be located in Sprogis for associating user navigational events with zones of influence for storing in a cartridge script.

Claim 1 further recites the wireless computing device configured to execute a scenario by triggering the user navigational events stored on the cartridge script through movement of the wireless computing device.

Sprogis fails to teach or suggest such limitations. The Examiner's Answer cites Column 3, lines 19-26 of Sprogis as support for the teaching of executing a scenario by a wireless computing device, by triggering a user navigational event through movement, per Claim 1 (Examiner's Answer, page 4, third paragraph). The cited section of Sprogis provides requiring a fee for participation, obtaining commercial sponsors, playing the game on a large or small scale, and providing the same or different clues (Sprogis, Col. 3, lines 19-26 and lines 63-65). The Examiner's Answer also cites Col. 3, line 63-Col. 4, line 13, which provides determining by a central computer, whether a player is at a treasure location. If not, the player is given another clue, which the player interprets (Sprogis, Col. 4, lines 2-7). But, if so, the player may be the winner or the central computer determines if the player has been to all the intermediary points in the treasure hunt territory (Sprogis, Col. 4, lines 8-14). Therefore, Sprogis teaches providing clues to a player by a central computer, which determines the clues based on the received player's location, rather than executing a scenario by a wireless computing device by triggering user navigational events stored on a cartridge script through movement of the wireless computing device.

Claim 1 further recites the wireless computing device . . . comprising a locational module configured to continuously self-identify a location of the wireless computing device based on dynamic geolocational data determined in response to the movement.

Sprogis fails to teach or suggest such limitations. The Examiner's Answer cites Column 3, lines 1-18 of Sprogis as support for the teaching of a wireless computing device self-identifying a location, per Claim 1 (Examiner's Answer, page 4, fourth paragraph). The cited section of Sprogis provides running the treasure hunt game by a central computer (Sprogis, Col. 3, lines 4-5 and 32-34). Players' GPS devices receive navigation data and determine player location, which are transmitted to the central computer (Sprogis, Col. 3, lines 5-9). The central computer determines the next clue to be given based upon the player's location and other variables (Sprogis, Col. 3, lines 9-13). The clue is then transmitted to the player's device (Sprogis, Col. 3, lines 13-15). In Sprogis, since

the map is maintained on a central computer, the player's wireless communication device is unable to determine the player's location in the treasure hunt. Therefore, the player's wireless communication device fails to self-identify a location.

The Examiner's Answer further provides Col. 5, lines 9-23 of Sprogis (Examiner's Answer, p. 4, fourth paragraph). The further cited section of Sprogis provides that as players move, their GPS receivers transmit their locations back to the central computer (Sprogis, Col. 5, lines 9-11). As the players enter a new grid on the treasure hunt territory map, a new clue is provided (Sprogis, Col. 5, lines 11-14). Therefore, Sprogis teaches determining by a central computer, a player's location on a treasure hunt territory map stored on the central computer, rather than a wireless device for self-identifying a location based on dynamic geolocational data determined in response to movement of the wireless computing device.

Claim 1 further recites the wireless computing device . . . comprising a processing module configured to determine a correlation between the dynamic geolocational data and the static geolocational data for one or more of the zones of influence and to locally trigger the user navigational event associated with the zone of influence based on the correlation.

Sprogis fails to teach or suggest such limitations. The Examiner's Answer cites Column 5, lines 9-23 of Sprogis as support for the teaching of determining, by a wireless device, a correlation between dynamic geolocational data and static geolocational data, per Claim 1 (Examiner's Answer, page 4, fifth paragraph). The cited section of Sprogis provides determining by a central computer, a player's location on a treasure hunt territory map, which is stored on the central computer, and determining a clue for transmitting to the player (Sprogis, Col. 5, lines 9-23). Since the central map is maintained on the central gamemaster computer, the player's wireless communication device merely obtains the player location data for transmitting to the gamemaster computer, where the player's location on the central map is identified. Without a map, the wireless communication device is unable to identify the player's specific location

with regards to the treasure hunt. Therefore, Sprogis teaches a gamemaster for identifying a player's location in relation to a treasure hunt territory map, rather than a wireless computing device for determining a correlation between dynamic geolocational data and static geolocational data.

Sprogis further fails to teach locally triggering by the wireless computing device, the user navigational event associated with the zone of influence based on the correlation. Instead, Sprogis teaches generating clues by a central gamemaster computer (Sprogis, Col. 3, lines 9-13 and Col. 3, line 65-Col. 4, line 7). Therefore, in Sprogis, the clues are determined by a central gamemaster computer, rather than by a wireless computing device carried by each player.

Further, dependent Claim 2 recites the wireless computing device . . . comprising a timer module configured to measure an elapsed time beginning with the start time of each timed event and an evaluation module configured to determine when the elapsed time substantially equals the duration of one or more of the timed events, and to locally trigger each user navigational event associated with the timed event.

Sprogis fails to teach or suggest such limitations. The Examiner's Answer cites Column 3, lines 19-31; Column 3, line 63 to Column 4, line 13; and Column 5, lines 9-28 of Sprogis as support for the teaching of a timer module to measure an elapsed time and to determine when the elapsed time equals the duration of a timed event, per Claim 2 (Examiner's Answer, page 5, fifth paragraph). The cited section of Sprogis provides requiring a fee for participation, obtaining commercial sponsors, playing the game on a large or small scale, and providing the same or different clues (Sprogis, Column 3, lines 19-31; Column 3, line 63 to Column 4, line 13; and Column 5, lines 9-28). Thus, the cited sections of Sprogis fail to teach measuring an elapsed time and determining when the elapsed time equals the duration of a timed event. Further, no support in Sprogis can be located by the Applicant.

Accordingly, Sprogis fails to teach each and every limitation of Claims 1 and 2, and a rejection for anticipation cannot stand. Claims 2-5 are dependent on Claim 1 and are patentable for the above-stated reasons, and as further

distinguished by the limitations therein. Withdrawal of the rejection is requested.

Reconsideration of the pending claims and a Notice of Allowance are respectfully solicited. Appellant's undersigned attorney can be reached at (206) 381-3900.

Dated: May 17, 2010

By: 
Krista A. Wittman, Esq.
Reg. No. 59,594

Cascadia Intellectual Property
500 Union Street
Suite 1005
Seattle, WA 98101

Telephone: (206) 381-3900
Facsimile: (206) 381-3999

5. CLAIMS APPENDIX

1. (previously presented) A system for executing user navigational events triggered through geolocational data describing zones of influence, the system comprising:

a storage medium configured to hold data in a cartridge script loadable into a wireless computing device, wherein the data comprises:

zone of influence data configured to define one or more zones of influence into the cartridge script by describing a plurality of points of static geolocational data; and

user event data configured to define one or more user navigational events into the cartridge script and to associate each user navigational event with at least one zone of influence; and

the wireless computing device configured to execute a scenario by triggering the user navigational events stored on the cartridge script through movement of the wireless computing device, the wireless computing device comprising:

a locational module configured to continuously self-identify a location of the wireless computing device based on dynamic geolocational data determined in response to the movement; and

a processing module configured to determine a correlation between the dynamic geolocational data and the static geolocational data for one or more of the zones of influence, and to locally trigger the user navigational event associated with the zone of influence based on the correlation.

2. (previously presented) A system according to Claim 1, system further comprising:

further data in the cartridge script loaded in the wireless computing device comprising timed event data configured to specify one or more timed events comprising a start time and a duration and to associate each timed event with at least one user navigational event; and

the wireless computing device further comprising:

a timer module configured to measure an elapsed time beginning with the start time of each timed event;

an evaluation module configured to determine when the elapsed time substantially equals the duration of one or more of the timed events, and to locally trigger each user navigational event associated with the timed event.

3. (previously presented) A system according to Claim 1, the system further comprising:

further data in the cartridge script loaded in the wireless computing device comprising one or more independent trigger conditions, wherein each independent trigger condition is configured to be associated with at least one user navigational event; and

the wireless computing device further comprising:

an evaluation module configured to determine trigger condition satisfaction of one or more of the independent trigger conditions, and to locally trigger each user navigational event associated with the independent trigger conditions based on the trigger condition satisfaction.

4. (previously presented) A system according to Claim 1, wherein the zone of influence data is configured to define each zone of influence as discrete, adjoining, overlapping, and nested relative to at least one other zone of influence in the zone of influence data.

5. (previously presented) A system according to Claim 1, wherein the zone of influence data is configured to define at least one zone of influence in the zone of influence data as inheriting at least one user navigational event from one or more other of the zones of influence in the zone of influence data.

6. (withdrawn) A method for executing user navigational events triggered through geolocational data, comprising:

storing data, comprising:

defining one or more zones of influence and wherein each zone of influence is described by a plurality of stored geolocational data;

defining one or more user events; and

associating one or more of the user events with each zone of influence, wherein each user event specifies a trigger condition based on the stored geolocational data for the associated zone of influence; and

executing the cartridge, comprising:

self-identifying a location of the user device based on further geolocational data; and

locally triggering at least one user event on the cartridge when the further geolocational data substantially correlates to the stored geolocational data for the zone of influence associated with the trigger condition of the at least one user event.

7. (withdrawn) A method according to Claim 6, further comprising:

specifying one or more timed events by a start time and a duration; and

associating the one or more timed events with one or more of the user events; and

measuring an elapsed time from the start time of each timed event; and

triggering at least one user event when the elapsed time substantially equals the duration of one such timed event.

8. (withdrawn) A method according to Claim 6, further comprising:

specifying one or more independent trigger conditions;

associating one or more of the user events with each independent trigger condition; and

triggering at least one user event upon satisfaction of at least one independent trigger condition.

9. (withdrawn) A method according to Claim 6, further comprising:

defining each zone of influence as discrete, adjoining, overlapping, and nested relative to at least one other zone of influence.

10. (withdrawn) A method according to Claim 6, further comprising:

defining at least one zone of influence as inheriting at least one user events from one or more other of the zones of influence.

11. (withdrawn) A computer-readable storage medium holding code for performing the method according to Claim 6.

12. (withdrawn) A system for building a user-customized cartridge for use with a wireless computing device, comprising:

a toolkit to build a template of a cartridge based on user instructions, comprising:

a zone interface to define one or more zones of influence that are each described by a plurality of stored data;

an event interface to define a series of events triggered by at least one of temporal, locational and independent trigger conditions and associating each event with one such zone of influence; and

a compiler to compile the cartridge template into a cartridge script configured to be downloaded and autonomously executed on a wireless computing device.

13. (withdrawn) A system according to Claim 12, further comprising:

a server to download the cartridge script onto a wireless computing device.

14. (withdrawn) A system according to Claim 12, wherein at least one zone of influence can be defined to inherit at least one event from one or more other zone of influence.

15. (withdrawn) A system according to Claim 12, wherein one or more of the zones of influence specify at least one of a starting location and an ending location.

16. (withdrawn) A system according to Claim 12, wherein the trigger conditions are selected from the group comprising movement, direction, speed, acceleration, tactile effects, sound effects, and visual effects.

17. (withdrawn) A system according to Claim 12, wherein the cartridge script is configured to be executed on a plurality of collaborating wireless gaming devices.

18. (withdrawn) A system according to Claim 12, wherein the cartridge script is configured to manipulate an item between a plurality of collaborating wireless gaming devices.

19. (withdrawn) A method for building a user-customized cartridge for use with a wireless computing device, comprising:

building a template of a cartridge based on user instructions, comprising:

defining one or more zones of influence that are each described by a plurality of stored geolocational data;

defining a series of events triggered by at least one of temporal, locational and independent trigger conditions and associating each event with one such zone of influence; and

compiling the cartridge template into a cartridge script configured to be downloaded and autonomously executed on a wireless computing device.

20. (withdrawn) A method according to Claim 19, further comprising:

downloading the cartridge script onto a wireless computing device.

21. (withdrawn) A method according to Claim 19, further comprising:

defining at least one zone of influence to inherit at least one event from one or more other zone of influence.

22. (withdrawn) A method according to Claim 19, wherein one or more of the zones of influence specify at least one of a starting location and an ending location.

23. (withdrawn) A method according to Claim 19, wherein the trigger conditions are selected from the group comprising movement, direction, speed, acceleration, tactile effects, sound effects, and visual effects.

24. (withdrawn) A method according to Claim 19, wherein the cartridge script is configured to be executed on a plurality of collaborating wireless gaming devices.

25. (withdrawn) A method according to Claim 19, wherein the cartridge script is configured to manipulate an item between a plurality of collaborating wireless gaming devices.

26. (withdrawn) A computer-readable storage medium holding code for performing the method according to Claim 19.

6. EVIDENCE APPENDIX

None.

7. RELATED PROCEEDINGS APPENDIX

None.